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Attorneys for Plaintiffs The Wizard Trades, LLC and Michael Hubbs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

THE WIZARD TRADES, LLC, a Utah Limited Liability Company, and MICHAEL HUBBS, an individual,

Plaintiff,
vs.

CHARLTON LACHASE, an individual, ANDRA RUSH, an individual, STEVEN DUHON, an individual, and BRIAN HERTNEKY, an individual,

Defendants.

REQUEST TO SUBMIT BRIAN HERTNEKY'S MOTION TO DISMISS FOR DECISION

Case No. 2:23-cv-00207-DAO

Judge David B. Barlow

Magistrate Judge Daphne A. Oberg

Plaintiffs, The Wizard Trades, LLC, and Michael Hubbs, hereby submit that Brian Hertneky's Motion to Dismiss is ripe for decision.

Mr. Hertneky's Motion to Dismiss was filed April 25, 2023 (Dkt. 12).

Plaintiff's Opposition was filed May 5, 2023 (Dkt. 17).

Pursuant to Local rule 7(a)(4)(A)(iv) a reply was due May 19, 2023. No reply brief has been filed.

Plaintiff submits that Mr. Hertneky's Motion to Dismiss is ripe for decision.

Respectfully submitted this 2nd day of June 2023.

BATEMAN IP

/s/ Randall B. Bateman

Randall B. Bateman

*Attorneys for Plaintiffs The Wizard Trades, LLC
and Michael Hubbs*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **REQUEST TO SUBMIT BRIAN HERTNEKY'S MOTION TO DISMISS FOR DECISION** was served on Defendants via CM/ECF or First Class mail on June 2, 2023 as follows:

Steven Duhon
3801 W Spring Creek Pkwy, Apt 2122 Via U.S. Mail
Plano, TX 75023

Brian Hertneky
108 Chelmsford Dr. Via CM/ECF
Aurora, OH 44202

Charlton Lachase
7006 Citrus Park Blvd Via CM/ECF
Fort Pierce, FL 34951

Andra Rush
34 Carlitos Way Via CM/ECF
St. Augustine, FL 32092

/s/Randall B. Bateman